

**Notice of Allowability**

Application No.

10/670,037

Examiner

Michael Trinh

Applicant(s)

BURKE ET AL.

Art Unit

2822

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Amendment filed June 27, 2005.
2. ☒ The allowed claim(s) is/are 1,3,4,6-8 and 10-22.
3. ☒ The drawings filed on 24 September 2003 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
  1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

  
Michael Trinh  
Primary Examiner

Art Unit: 2822

### DETAILED ACTION

\*\*\* This office action is in response to Applicant's Amendment filed June 27, 2005. Claims 2,5,9,23-34 were canceled. Claims 1,3-4,6-8,10-22 are pending.

#### *Allowable Subject Matter*

1. Claims 1,3-4,6-8,10-22 are allowed.
2. The following is a statement of reasons for the indication of allowable subject matter:

In the amendment filed June 27, 2005, Applicant rewrites objected claim 9 into independent form to include all of the limitations of the base claims and any intervening claims. Accordingly, pending claims 1,3-4,6-8,10-22 are allowed for reasons as of record. As of record, the references including Kim (5,851,868), Wu (5,998,264), etc., alone or in combination, do not anticipatively disclose each and every aspect of the claimed capacitive structure, or fairly make a prima facie obvious case of the claimed capacitive structure, in combination with other claimed limitations, and the inclusion of limitations of a polysilicon layer adjacent the first dielectric layer, wherein the well formed within the semiconductor base region, the first dielectric layer, and the first polysilicon layer form a first capacitor and are aligned along a planar dimension; a first conductive layer positioned with at least a portion overlying at least a portion of the polysilicon layer and electrically connected to said polysilicon layer; a second dielectric layer adjacent the first conductive layer; and a second conductive layer adjacent the second dielectric layer with a first electrical connection to said well, wherein the first conductive layer, the second dielectric layer, and the second conductive layer form a second capacitor and are aligned along the planar dimension; and said first electrical connection further comprising : a first metal layer comprising a first region and a second region electrically separate from the first region, wherein the first region is adjacent the second conductive layer; a second metal layer at a distance greater than a distance between the upper surface and the first region of the first metal layer; a second electrical connection between the first region of the first metal layer and the second metal layer; a third electrical connection between the second metal layer and the second region of the first metal layer; and a fourth electrical connection between the second region of the first metal layer and the well.

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Art Unit: 2822

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael M. Trinh whose telephone number is (571) 272-1847. The examiner can normally be reached on M-F: 8:30 Am to 5:00 Pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Amir Zarabian can be reached on (571) 272-1852. The fax phone numbers for the organization where this application proceeding is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

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A handwritten signature in black ink, appearing to read "Michael Trinh", is positioned above the printed name and title.

Michael Trinh  
Primary Examiner